

Senate Bill No. 418

CHAPTER 48

An act to amend Section 699.5 of the Military and Veterans Code, relating to veterans.

[Approved by Governor August 5, 2009. Filed with
Secretary of State August 6, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

SB 418, Committee on Veterans Affairs. Department of Veterans Affairs: contracts: veterans service organizations.

Existing law authorizes the Department of Veterans Affairs to assist every veteran of the United States and the dependent or survivor of every veteran in presenting and pursuing various claims against the United States arising out of war service, and in establishing any rights under the laws of the United States or this state. Existing law authorizes the department to cooperate and, with the approval of the Department of Finance, to contract with any veterans service organization, as defined, to pursue claims before federal agencies, and, pursuant to the contract, the department is authorized to compensate any veterans service organization for services rendered by it to any veteran or dependent or survivor of a veteran. Existing law also makes legislative findings and declarations regarding the use of the General Fund to provide compensation to veterans service organizations for these services until an increase in the annual budget for county veterans service officers has been achieved.

This bill would revise those legislative findings and declarations with regard to the use of General Fund moneys for that purpose until the annual budget for county veterans service officers reaches \$5,000,000.

The people of the State of California do enact as follows:

SECTION 1. Section 699.5 of the Military and Veterans Code is amended to read:

699.5. (a) The department may assist every veteran of the United States and the dependent or survivor of every veteran of the United States in presenting and pursuing the claim as the veteran, dependent, or survivor may have against the United States arising out of war service and in establishing the veteran's, dependent's, or survivor's right to any privilege, preference, care, or compensation provided for by the laws of the United States or of this state. The department may cooperate and, with the approval of the Department of Finance, contract with any veterans service organization, and pursuant to the contract may compensate the organization

for services within the scope of this section rendered by it to any veteran or dependent or survivor of a veteran. The contract shall not be made unless the department determines that, owing to the confidential relationships involved and the necessity of operating through agencies that the veterans, dependents, or survivors involved will fail to be sympathetic towards their problems, the services cannot satisfactorily be rendered otherwise than through the agency of the veterans organization and that the best interests of the veterans, dependents, or survivors involved will be served if the contract is made.

(b) (1) The Legislature finds and declares that services provided by veterans service organizations play an important role in the department's responsibilities to assist veterans and their dependents and survivors in presenting and pursuing claims against the United States, and that it is an efficient and reasonable use of state funds to provide compensation to veterans service organizations for these services.

(2) The Legislature further finds and declares that paragraph (1) of this subdivision shall not be implemented by using the General Fund until the annual budget for county veteran services officers reaches a minimum of five million dollars (\$5,000,000). This subdivision shall not be construed to preclude the use of federal funding in implementing these provisions.

(c) Veterans service organizations, that elect to contract with the department in accordance with this section, shall document the claims processed each year by the veterans service officers employed by the veterans service organization at offices located in California. The documentation shall be in accordance with procedures established by the department.

(d) The department shall determine annually the amount of monetary benefits paid to eligible veterans and their dependents and survivors in the state as a result of the work of the veterans service officers of the contracting organizations. Beginning on January 1, 2006, the department shall, on or before January 1 of each year, prepare and transmit its determination for the preceding fiscal year to the Department of Finance and the Legislature. The department shall also identify federal sources to support the efforts of veterans service organizations pursuant to this section. The Department of Finance shall review the department's determination in time to use the information in the annual Budget Act for the budget of the department for the next fiscal year.

(e) For purposes of this section:

(1) "Survivor" means any relation of a deceased veteran who may be entitled to make a claim for any privilege, preference, care, or compensation under the laws of the United States or this state based upon the veteran's war service.

(2) "Veterans service officer" means an individual employed by a veterans service organization and accredited by the United States Department of Veterans Affairs to process and adjudicate claims and other benefits for veterans and their dependents and survivors.

(3) "Veterans service organization" means an organization that meets all of the following criteria:

- (A) Is formed by and for United States military veterans.
- (B) Is chartered by the United States Congress.
- (C) Has regularly maintained an established committee or agency in a regional office of the United States Department of Veterans Affairs in California rendering services to veterans and their dependents and survivors.